IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6020 OF 2005

WITH

CRIMINAL APPLICATION NO.6021 OF 2005

Tolaram L.Chudiwala ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

.....

Mr.A.H.H.Ponda for Applicant.

Ms.M.M.Deshmukh, A.P.P. for Respondent No.1.

Mr.H.K.Thakore with Mr.Prakash Naik for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

NOVEMBER 23, 2005.

P.C.

1. Even if the Applicant is justified in contending that revision in the fact situation was available, to that extent, the order passed by the lower Court may be wrong, even then, in the fact situation of the present case, as recording of

evidence has already progressed, no interference is warranted in exercise of powers under Section 482 of the Code. All questions with regard to the merits are left open to be decided at the trial.

2. For the observations made earlier, in my opinion, the direction issued by the Revisional Court requiring the Applicant to pay cost in the sum of Rs.3,000/- (Rupees Three Thousand) is inappropriate. To that extent, the present Applications would succeed.

3. As these Applications are disposed of, the Trial Court may proceed with the trial as expeditiously as possible and preferably conclude the same within six months from today, as the complaint pertains to the year 1996.

A.M.KHANWILKAR, J.